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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,751	09/03/2004	Katsuya Yamamoto	09792486-0154	6582

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EXAMINER	
BALAOING, ARIEL A	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/506,751	YAMAMOTO, KATSUYA	
	Examiner	Art Unit	
	Ariel Balaoing	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/03/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by IMATSUKA (JP 2002095051).

Regarding claims 1, IMATSUKA discloses A radio communication method performing a function of making a first bidirectional radio communication [cellular phone function] with a predetermined station and another function of making a second bidirectional radio communication [short range radio communication function] with an adjacent reader/writer (42-Figure 5) (abstract; paragraph 13), wherein when the start of the second radio communication with said reader/writer is detected, output of transmission data in the first radio communication with said predetermined station is temporarily stopped (paragraphs 39-53).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. IMATSUKA further discloses wherein when completion of said second radio communication is detected, the processing to temporarily stop outputting the transmission data is released (paragraphs 60-69).

Regarding claim 7, IMATSUKA further discloses a radio communication unit comprising:

a first radio communication processor for making a first bidirectional radio communication [cellular phone function] with a predetermined station (paragraphs 39-53),

a second radio communication processor for making a second bidirectional radio communication [short range radio communication function; SF card] with an adjacent reader/writer (42-Figure 5) (abstract; paragraph 13), and

a controller for temporarily stopping output of transmission data in said first radio communication processor, when the start of the second radio communication with said reader/writer is detected (paragraphs 39-53).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. IMATSUKA further discloses wherein said controller releases the processing to temporarily stop outputting the transmission data in said first radio communication processor, when completion of the radio communication in said second radio communication processor is detected (paragraphs 38-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over IMATSUKA (JP 2002095051) in view of SEPPANEN (US 6,330,442 B1).

Regarding claims 2 and 3, see the rejections of the parent claim concerning the subject matter these claims are dependant upon. IMATSUKA further discloses wherein said temporary stop is the processing to stop inputting transmission data (paragraphs 6, 13, 62, and 63; phone call is interrupted when short range transmission is detected), and even when no data is stored, transmission of packets by said first communication is continued (paragraphs 6, 13, 62, and 63; call is placed on hold, hence no data is stored and a transmission channel is left open). However IMATSUKA does not disclose wherein the data is stored in a buffer. SEPPANEN discloses wherein transmission data is stored in a buffer (column 14:lines 37-48). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify IMAtSUKA to include a storage buffer for transmission data as taught by SEPPANEN as both systems disclose signal transmissions from a portable device. This is beneficial in that it allows the mobile device to control the transmission rate of outgoing data.

Regarding claims 8 and 9, see the rejections of the parent claim concerning the subject matter these claims are dependant upon. IMATSUKA further discloses wherein the temporary stop made by said controller is the processing to stop inputting the transmission data that is provided with said first radio communication processor

(paragraphs 6, 13, 62, and 63; phone call is interrupted when short range transmission is detected) and said controller performs control to continue transmission of packets by said first communication, even when no data is stored (paragraphs 6, 13, 62, and 63; call is placed on hold, hence no data is stored and a transmission channel is left open). However IMATSUKA does not disclose wherein the data is stored in a buffer. SEPPANEN discloses wherein transmission data is stored in a buffer (column 14:lines 37-48). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify IMATSUKA to include a storage buffer for transmission data as taught by SEPPANEN as both systems disclose signal transmissions from a portable device. This is beneficial in that it allows the mobile device to control the transmission rate of outgoing data.

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over IMATSUKA (JP 2002095051) in view of SEPPANEN (US 6,330,442 B1) as applied to claims 1 and 7 above, and further in view of HARRIS et al (US 6,400,755 B1).

Regarding claim 4, IMATSUKA further discloses wherein said temporary stop is the processing to stop inputting transmission data (paragraphs 6, 13, 62, and 63; phone call is interrupted when short range transmission is detected); even when no data is stored, the transmission of packets by said first communication is continued (paragraphs 6, 13, 62, and 63; call is placed on hold, hence no data is stored and a transmission channel is left open). However IMATSUKA does not disclose wherein the data is stored in a buffer. SEPPANEN discloses wherein transmission data is stored in a buffer (column 14:lines 37-48). Therefore it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify IMATSUKA to include a storage buffer for transmission data as taught by SEPPANEN as both systems disclose signal transmissions from a portable device. This is beneficial in that it allows the mobile device to control the transmission rate of outgoing data. However, the combination of IMATSUKA and SEPPANEN do not disclose wherein the packets transmitted in said state of - having no data are transmitted at the lowest transmission rate. HARRIS discloses wherein the packets transmitted in said state of - having no data are transmitted at the lowest transmission rate (abstract, column 4:lines 32-44). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of IMATSUKA and SEPPANEN to transmit packets at the lowest rate when no data is being sent as taught by HARRIS since both systems disclose data transmission from a mobile device. This is beneficial in that it allows the preservation of battery power by using lowered transmission power when there is no data present.

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. IMATSUKA further discloses wherein the temporary stop made by said controller is the processing to stop inputting transmission data that is provided with said first radio communication processor and that stores the transmission data temporarily (paragraphs 6, 13, 62, and 63; phone call is interrupted when short range transmission is detected); said controller performs control to continue transmission of packets by said first communication, even when no data is stored (paragraphs 6, 13, 62, and 63; call is placed on hold, hence no data is stored and a

transmission channel is left open). However IMATSUKA does not disclose wherein the data is stored in a buffer. SEPPANEN discloses wherein transmission data is stored in a buffer (column 14:lines 37-48). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify IMATSUKA to include a storage buffer for transmission data as taught by SEPPANEN as both systems disclose signal transmissions from a portable device. This is beneficial in that it allows the mobile device to control the transmission rate of outgoing data. However, the combination of IMATSUKA and SEPPANEN do not disclose wherein the packets transmitted in said state of - having no data are transmitted at the lowest transmission rate. HARRIS discloses wherein the packets transmitted in said state of - having no data are transmitted at the lowest transmission rate (abstract, column 4:lines 32-44). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of IMATSUKA and SEPPANEN to transmit packets at the lowest rate when no data is being sent as taught by HARRIS since both systems disclose data transmission from a mobile device. This is beneficial in that it allows the preservation of battery power by using lowered transmission power when there is no data present.

7. Claims 6 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over IMATSUKA (JP 2002095051) in view of VEGA et al (US 6,282,407 B1).

Regarding claims 6 and 12, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However IMATSUKA does not disclose wherein said second radio communication operates under power obtained by

receiving electric power wave supplied from said reader/writer. VEGA discloses wherein said second radio communication operates under power obtained by receiving electric power wave supplied from said reader/writer (column 2:lines 27-40). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify IMATSUKA to include a passive powering means as taught by VEGA since both systems relate to using a short ranged interrogation/response communication system. This is beneficial in that no power is needed to operate the secondary transmission system when in range of the interrogator.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MITSUMOTO (US 2002/0177407 A1) – Portable telephone and IC Card

KOTOLA et al (US 2004/0176032 A1) – RFID based discovery with reader having transponder functionality

PIIKIVI (US 6,776,339 B2) – Wireless device providing contactless interface for a smart card reader

TERRANOVA (US 6,618,362 B1) – Using a transponder as an information buffer

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-

7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Patent Examiner
Art Unit 2683

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER

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